

### REMARKS

Applicants appreciate the notification of allowable subject matter, i.e. that claims 79-82 are allowed and that claims 15 and 27 would be allowable if rewritten in independent form.

Applicants also appreciate the Examiner's comments regarding the outstanding Office Action.

Claims 83-91 have been added. No new matter has been added by virtue of the amendments. For instance, support for the new claims appears e.g. at pages 14-15 and the original claims of the application.

Claims 1, 4-9, 18-20, 22-26 and 47-69 were rejected under 35 U.S.C. 102(e) over Jagannathan et al. (U.S. Patent 6,136,498).

Claims 1, 4-14, 18-20, 22-26 and 47-78 were rejected under 35 U.S.C. 103 over (U.S. Patent 6,136,498).

For the sake of brevity, the two rejections are addressed in combination. The rejection is traversed.

As discussed in Applicants' prior response, a Declaration is of record, which antedates the Jagannathan et al.

Applicants also previously submitted a Request for Declaration of Interference.

In the Office Action, it is stated that Applicants' antedating evidence of record is not sufficient under 37 CFR 1.608(b).

Applicants disagree. The evidence which has been made of record fully complies with the language of former Rule 608(b).

In any event however, 37 CFR 1.608(b) has been withdrawn. It is clear that Applicants evidence of record fully warrants withdrawal of the instant rejections under the new Rules.

Applicants also disagree that Jagannathan et al. somehow presents a *prima facie* case under Section 103 with respect to Applicants' claims 10-14 and 70-78.

In particular, Applicants' independent claims 10 and 70 call for a polymeric dye that contains one or more polycyclic chromophores, said chromophore being selected from the group consisting of phenanthryl, acridine, quinolinyl and ring substituted quinolinyl.

Those chromophore groups are not disclosed in Jagannathan et al.

Accordingly, the rejection is not proper and should be withdrawn. See Section 2143.03 of the Manual of Patent Examining Procedure ("To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.").

Jagannathan et al. does not disclose or otherwise suggest other aspects of Applicants' claimed invention.

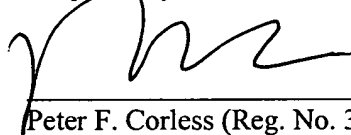
For instance, Jagannathan et al. provides no suggestion of dye copolymers such as recited Applicants' claims 5-7 and 83-87. See Jagannathan et al. at column 3, lines 38-50.

Nor does Jagannathan et al. disclose or otherwise suggest photorealist composition that comprises a polymer with non-phenolic units as recited in Applicants' claims 86-91.

In view thereof, reconsideration and withdrawal of the rejections are requested.

It is believed the present application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



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